

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 718

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 718, entitled "A Bill for an Act Relating to Kakaako."

The purposes of this bill are to (1) require the Hawaii Community Development Authority (HCDA) to set aside the old ice chute and fuel dock operations building site at the Kewalo Basin Cove for use by the Kewalo Keiki Fishing Conservancy, and (2) require HCDA to proceed with necessary environmental remediation at the site.

This bill is objectionable because Section 5 of Article XI of the State Constitution provides that "[t]he legislative power over the lands owned by or under the control of the state . . . shall be exercised only by general laws."

Section 5 of Article XI clearly limits the Legislature's administration or disposition of lands owned or controlled by the State by general law only. In its broadest sense, the term "general laws" denotes laws that apply uniformly throughout the political subdivisions of the State. Bulgo v. County of Maui, 50 Haw. 51 (1967). A law is special if it relates to particular persons or things. (82 C.J.S. Statutes Sec. 166, p. 279)

This bill makes a disposition of specific parcels of land, "portions of tax map key (first division) 2-1-058:41 and 2-1-058:116," for the benefit of a specific entity, the Kewalo

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Keiki Fishing Conservancy. Therefore, the Attorney General has opined that the disposition is in violation of the State Constitution.

It should be noted that the site has environmental contamination issues and the Hawaii Community Development Authority has offered an alternative site to the Kewalo Keiki Fishing Conservancy.

For the foregoing reason, I am returning House Bill No. 718 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Linda Lingle', is written over the printed name.

LINDA LINGLE
Governor of Hawaii